

Notice of Allowability

Application No.

10/644,612

Examiner

Michael V. Meller

Applicant(s)

ZHAO, JINGWEI

Art Unit

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS ~~(OR REMAINS)~~ CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 4/18/2006.
2. ☒ The allowed claim(s) is/are 12,13 and 16-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


MICHAEL MELLER
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Chan on 6/6/2006.

The application has been amended as follows:

IN THE CLAIMS:

Delete claims 1-11, 23, 24.

In claim 12, line 1, delete, "compound" and insert, ---gel---, line 2, delete, "an ultrapeg" and insert, ---polyethylene glycol ---, delete "a carbamide peroxide" and insert, ---carbamide peroxide---, delete, "a glycerin natural kosher" and insert, ---glycerin---, line 3, delete "a" before, "dicalcium", delete, "a carbopol" and insert, ---carbomer---, delete, "a " before, "phosphoric acid", delete, "and a sucralose" and insert, ---sucralose---, line 4, delete, "mixing together with a predetermined mount of" and insert, ---and---, line 5,

Art Unit: 1655

delete, "process", line 7, delete, "a whitening catalyst having a predetermined amount of amino acids mixing" and insert, ---mulberry root extract and wherein said extract is mixed---.

Claim 13, line 1, delete, "compound" and insert, ---gel---, line 2, delete, "whitening catalyst" and insert, ---extract---.

Delete claims 14 and 15.

Claim 16, line 1, delete, "compound" and insert, ---gel---, delete "claim 14" and insert, ---claim 13---, line 2, delete "whitening catalyst" and insert, ---extract---.

Claim 17, line 1, delete "compound" and insert, ---gel---, delete, "claim 15" and insert, ---claim 13---, line 2, delete, "whitening catalyst" and insert, ---extract---.

Claim 18, line 1, delete, "compound" and insert, ---gel---, delete "claim 15" and insert, ---claim 13, wherein said gel---, line 5, delete, "carbopol" and insert, ---carbomer-- -, line 6, delete, "with", line 7, delete, "ultrapeg" and insert, ---polyethylene glycol---, line 8, delete, the first occurrence of "ultrapeg" and insert, ---polyethylene glycol---, delete the second occurrence of " an ultrapeg" and insert, --- a polyethylene glycol---, line 10, delete, "glycerin natural kosher" and insert, ---glycerin---, line 11, delete, "peroxides" and insert, ---peroxide---, line 12, delete, "ultrapeg" and insert, ---polyethylene glycol---.

Art Unit: 1655

Claim 19, line 1, delete, "compound" and insert, ---gel---, after "claim 17 ," , insert, ---wherein said gel---, line 5, delete, "carbopol" and insert, ---carbomer---, line 6, delete, "with", line 7, delete, "ultrapeg" and insert, ---polyethylene glycol---, line 8, delete, the first occurrence of "ultrapeg" and insert, ---polyethylene glycol---, delete the second occurrence of " an ultrapeg" and insert, --- a polyethylene glycol---, line 10, delete, "glycerin natural kosher" and insert, ---glycerin---, line 11, delete, "peroxides" and insert, ---peroxide---, line 12, delete, "ultrapeg" and insert, ---polyethylene glycol---, line 14, delete, "compound" and insert, ---gel---.

Claim 20, line 1, delete, "compound" and insert, ---gel---, line 2, delete, "ultrapeg" and insert, ---polyethylene glycol---, line 3, delete, "glycerin natural kosher" and insert, ---glycerin---, line 4, delete, "carbopol" and insert, ---carbomer---.

Claim 21, line 1, delete, "compound, as recited in claim 15" and insert, ---gel, as recited in claim 13---, line 2, delete, "ultrapeg" and insert, ---polyethylene glycol---, line 3, delete, "glycerin natural kosher" and insert, ---glycerin---, line 4, delete, "carbopol" and insert, ---carbomer---.

Claim 22, line 1, delete, "compound" and insert, ---gel---, line 2, delete, "ultrapeg" and insert, ---polyethylene glycol---, line 3, delete, "glycerin natural kosher" and insert, ---glycerin---, line 4, delete, "carbopol" and insert, ---carbomer---.

IN THE SPECIFICATION:

Page 3, line 11, delete, "ultrapeg" and insert, ---ULTRAPEG (polyethylene glycol)---, line 12, after "kosher" insert, ---(glycerin)---, delete, "carbopol" and insert, ---CARBOPOL (carbomer)---, line 13, delete, "mount" and insert, ---amount---.

The following is an examiner's statement of reasons for allowance: the art of record does not teach nor render obvious the specifically claimed invention. To combine the mulberry root extract with the specific components listed in the claim is not anticipated nor rendered obvious by any art that this examiner could find. Thus, the claims must be allowed with the noted changes to them.

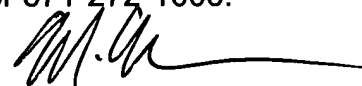
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Meller whose telephone number is 571-272-0967. The examiner can normally be reached on Monday thru Thursday: 9:30am-6:00pm.

Art Unit: 1655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael V. Meller
Primary Examiner
Art Unit 1655

MVM